

Remarks

I. Status of the Application

Claims 23-31 and 36-47 are currently pending. Claims 23, 26, 30 and 31 have been amended. Claims 1-22 and 32, 33, and 35 are cancelled without prejudice. Claims 36-47 are new.

II. The Amendments

Claims 23, 26, 30, and 31 have been rewritten in independent form including all of the limitations of the base claims and any intervening claims. The amendments to claims 23 and 26 do not narrow the claim scope of the original claims. Claims 30 and 31 have also been amended to require “automatically” reciprocating the biopsy needle.

Paragraph 0001 of the specification has been amended to update the status of the parent application.

III. The Rejections

The title has been objected to for allegedly being not descriptive. The title has been amended.

Claims 18 and 26-29 have been rejected under 35 U.S.C. Section 112 because “the needle support” in claim 26 lacks antecedent basis. Claim 18 has been cancelled. Claim 26 has been amended to independent form, and no longer recites the “needle support.” Claim 27-29 are dependent on claim 26. Accordingly, the Section 112 rejection should be withdrawn.

Claims 23-25 and 30-31 have been objected to as being dependent upon a rejected base claim. As discussed above, claims 23, 30 and 31 have been rewritten in independent form including all of the limitations of the base claims and any intervening claims. Accordingly, claims 23-25 and 30-31 should now be allowable. It is noted that in claim 30, “stopping reciprocation of the needle” is deleted from the claim. It is now recited in new claim 47, as discussed below.

Claims 13, 15, 17, 19-22, 26, and 33-35 have been rejected under Section 102 as allegedly have been anticipated by Kaplan. Claims 13, 15, 17, and 19-22, 33, and 35 have been cancelled.

Claim 26 has been amended to be in independent form and to recite reciprocating the biopsy needle “by electromagnetically generated linear motion.” In Kaplan, in contrast, a motor 130 generates rotary motion, which must be converted into linear motion by a cam 156. The other cited references do not vibrate a needle by electromagnetically generated linear motion, either. Claims 26-29 should, therefore, be allowable.

Claim 34 has been amended to recite hydraulically generating rotary motion and converting the rotary motion to reciprocating motion of a biopsy needle. Neither Kaplan nor the other cited references show or suggest hydraulic generation of rotary motion, either. Claim 34 should be allowable, as well.

IV. The New Claims

Claims 36-46 are new.

New independent claim 36 defines a method of conducting a needle biopsy procedure comprising coupling a needle support to a reciprocating means within a chamber for reciprocating the needle support along the longitudinal axis of a longitudinal slot through a wall of the chamber. The needle support is external to the chamber. The needle support, and hence a needle attached to the needle support, are reciprocated along the slot. Neither Kaplan nor the other cited references show such a longitudinal slot, or other claim limitations.

Accordingly, claims 36, and claims 37-45, which are dependent on claim 36, should be allowable.

New claim 46 is dependent on claim 27 and should be allowable, as well.

New claim 47, which is dependent on claim 30, recites stopping reciprocation of the needle prior to withdrawing the plunger. Stopping reciprocation of the needle is deleted from claim 30, as discussed above.

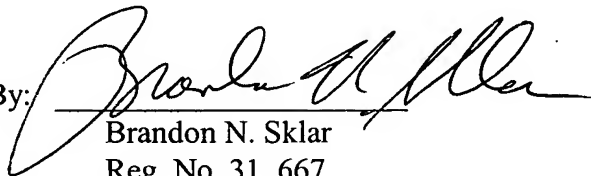
No new matter is added.

V. Conclusion

Reconsideration and allowance of the application in light of these Amendments and Remarks is respectfully requested.

Respectfully submitted,

Kaye Scholer LLP

By: 
Brandon N. Sklar
Reg. No. 31, 667